

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KENO RAMSEY,

Plaintiff,

**9:22-CV-265
(TJM/CFH)**

v.

PATRICK REARDON, et al.,

Defendants

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION and ORDER

I. INTRODUCTION

This pro se action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Defendants Reardon, Medbury, and Carpenter move to dismiss plaintiff's First Amendment mail tampering and Eighth Amendment sexual abuse claims pursuant to Federal Rule of Civil Procedure 12(b)(6). See Dkt. No. 30. Judge Hummel recommends that the motion to dismiss be granted and that plaintiff's First Amendment mail tampering claims against defendants Reardon and Medbury, and Eighth Amendment sexual abuse claim against defendant Carpenter be dismissed without prejudice and with leave to amend. See Report-Recommendation and Order (Dkt. No. 35). No objections to the recommendations have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

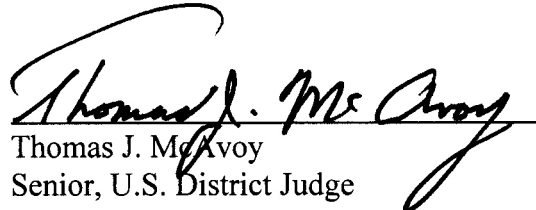
Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 35) for the reasons stated therein. Therefore, it is hereby

ORDERED that the motion to dismiss (Dkt. No. 30) is **GRANTED**; and it is further

ORDERED that plaintiff's First Amendment mail tampering claims against defendants Reardon and Medbury, and Eighth Amendment sexual abuse claim against defendant Carpenter are **DISMISSED without prejudice and with leave to amend**.

IT IS SO ORDERED.

Dated: September 25, 2023


Thomas J. McAvoy
Senior, U.S. District Judge